

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: 844,004-302
First Named Inventor: Jurgen Musolf et al.
Prior Application Information:
Serial No. 09/944,867
Examiner: Ha Nguyen
Art Unit: 2831

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Mail Stop NEW APPLICATION



FILING UNDER 37 CFR § 1.53(b)

This is a request for filing for a

☒ continuation ☐ divisional ☐ continuation-in-part (CIP)

application under 37 CFR § 1.53(b) of pending prior application Serial No. 09/944,867 filed on August 31, 2001, which will issue on September 23, 2003 as U.S. Patent No. 6,625,004.

JURGEN MUSOLF et al, entitled:

METHOD OF MAKING AN ELECTROSTATIC ACTUATOR

For CONTINUATION or DIVISION APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied, referenced above, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

CERTIFICATE OF MAILING
(37 C.F.R. §1.10)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as 'Express Mail Post Office To Addressee' in an envelope addressed to the Commissioner for Patents, Alexandria, VA 22313-1450.

EV337191156US
Express Mail Label No.

September 22, 2003
Date of Deposit
IR1:1047871.1

Denise N. Doss
Name of Person Mailing Paper

Signature of Person Mailing Paper

I. APPLICATION ELEMENTS ENCLOSED

- 45 Page(s) of Written Description
 3 Page(s) of Claims
 1 Page(s) of Abstract
 15 Sheet(s) of Drawings ☒ formal ☐ informal
 4 Page(s) of ☒ Declaration or ☐ Declaration and Power of Attorney
 ☒ Copy from prior application [37 CFR §1.63(d)]
 ☐ Newly executed
 2 Pages of Power of Attorney
- ☒ An Information Disclosure Statement, PTO/SB08/A 1449, ☐ with copies of cited items.
☐ Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35

II. FEE CALCULATION

- ☒ Applicant claims small entity status under 37 CFR 1.27.

BASIC FILING FEE:							\$750.00
Total Claims	15	-	20	=	0	x \$18.00	0
Independent Claims	1	-	3	=	0	x \$84.00	0
Multiple Dependent Claims	\$280	(if applicable)				<input type="checkbox"/>	0
TOTAL OF ABOVE CALCULATIONS							\$750.00
Reduction by ½ for Filing by Small Entity.							<input checked="" type="checkbox"/> 375.00
Misc. Filing Fees (Recordation of Assignment)							0
TOTAL FEES DUE SUBMITTED HEREWITH							\$375.00

III. PRIORITY - 35 USC § 119

- ☐ Priority of application Serial No. _____ filed on _____ in Country is claimed under 35 USC § 119.
☐ The certified copy has been filed in prior U.S. application Serial No. _____ on _____.
☐ The certified copy will follow.

IV. AMENDMENTS

- ☐ Cancel in this application original Claims _____ of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes if no new claims are added in a preliminary amendment.)

- ☐ A Preliminary Amendment is enclosed. (Claims added by Amendment must be numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

V. RELATE BACK - 35 USC § 120

- ☒ Relate back information included in the specification and is as follows:
--This Application is a continuation of U.S. Application Serial No. 09/944,867, filed August 31, 2001, issued on September 23, 2003 as U.S. Patent No. 6,625,004, incorporated herein by reference as if set forth fully herein.--
- ☒ With respect to the prior co-pending U.S. application from which this application claims benefit under 35 USC § 120, the inventor(s) in this application is (are) [37 CFR 1.53(b)(1)]:
- ☒ the same.
- ☐ less than those named in the prior application and it is requested that the following inventor(s) identified above for the prior application be deleted [see 37 CFR §§1.33(b) AND 1.63(d)(2)]:

VI. METHOD OF PAYMENT OF FEES

- ☐ Attached is a check in the amount of _____.
- ☒ Charge O'Melveny & Myers Deposit Account No. **500639** in the amount of \$375.00
- ☐ Not attached. No filing fee is submitted. [This and the surcharge required by 37 CFR § 1.16(e) can be paid subsequently.]

VII. AUTHORIZATION TO CHARGE ADDITIONAL FEES

The Commissioner is hereby authorized to credit O'Melveny & Myers' Deposit Account No. **500639** or any over payment of fees and to charge the following additional fees by this paper and during the entire pendency of this application to Deposit Account No. **500639**:

- ☒ 37 CFR § 1.16 (Filing fees and excess claims fees)
- ☒ 37 CFR § 1.17 (Application processing fees)
- ☐ 37 CFR § 1.21 (Assignment recordation fees)

VIII. POWER OF ATTORNEY & CORRESPONDENCE ADDRESS

- ☒ The power appears in the original papers in the prior application.
- ☐ The power does not appear in the original papers, but was filed on _____ in prior application Serial No. _____.
- ☐ A new power has been executed and is attached.

Please send all correspondence and direct all inquiries to David B. Murphy/Michael S. Davidson at:

34263
PATENT TRADEMARK OFFICE
O'Melveny & Myers LLP
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Irvine, CA 92618-3315
(949) 737-2900

IX. MAINTENANCE OF CO-PENDENCY OF PRIOR APPLICATION

- ☐ A petition, fee and response has been filed to extend the term in the pending **prior** application until _____. A copy of the petition for extension of time in the **prior** application is attached.
- ☐ A conditional petition for extension of time is being filed in the pending **prior** application. A copy of the conditional petition for extension of time in the **prior** application is attached.

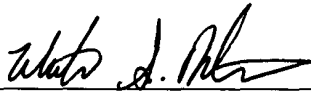
X. ABANDONMENT OF PRIOR APPLICATION

- ☐ Please abandon the prior application at a time while the prior application is pending or when the petition for extension of time or to revive in that application is granted and when this application is granted a filing date so as to make this application co-pending with said prior application. At the same time, please add the words "now abandoned" to the amendment of the specification set forth in Item V above.

Respectfully submitted,

O'MELVENY & MYERS LLP

Dated: September 22, 2003

By: 
Michael S. Davidson
Reg. No. 43,577

MSD/dnd
Enclosures

Superconductor Technologies, Inc.
Name of Assignee
460 Ward Drive, Suite F, Santa Barbara, CA 93111-2310
Address of Assignee
Robert Hammond, Chief Technology Officer
Title of person authorized to sign on behalf of assignee

Sent for Recordation in PTO on June 11, 2003.